

May 2002

# Presentation on "Managing Asbestos in Buildings" by Martin Stear, Principal Specialist Inspector, HSE Bootle.

Martin introduced his talk with a showing of the HSE video, "How are You Today?". This is a hard-hitting story of a young building maintenance worker who is safety conscientious to the extent that he makes an effort to stop his mates from falling into unsafe practices. Despite that, he is unknowingly exposed to asbestos over the years and falls victim to Mesothelioma which can lay dormant for 20-30 years. There is no cure for this disease which can be caused by just one fibre and attacks the lining of the abdominal cavity with inevitable death about 18 months after diagnosis. The video shows the physical agony suffered by the victim and how he, and family and friends, are totally surprised by the onset of the disease, its devastating effect and a feeling of helplessness.

Other asbestos related diseases are: -

- **Asbestosis** – Fibrosis of the lung, usually resulting from a high exposure.
- **Lung Cancer** – Heavy exposure can lead to bronchial carcinoma, potentiated by smoking.

Asbestos affects building workers, as well as asbestos industry workers, in all types of buildings and is a great problem because its presence is not always known before exposure has occurred. For these reasons, organisations have difficulty in ensuring safe working procedures are consistently applied. The trouble is: -

- Over 3,000 people die each year from asbestos-related diseases
- Number will rise until 2010, although working conditions are now much improved
- No one can be sure just how quickly the numbers are going to diminish
- Between 1950s and 1970s, asbestos used extensively in UK as building materials
- Thousands of tonnes of asbestos still remaining in premises
- Nearly 2 million workplace premises contain asbestos 25% of people now dying from asbestos-related diseases once worked in the building trades
- Pre 1998 asbestos regulations were aimed at those working in asbestos factories and for asbestos removers
- The Regulations do not cover those people who could come into contact with asbestos accidentally.

Those persons were: -

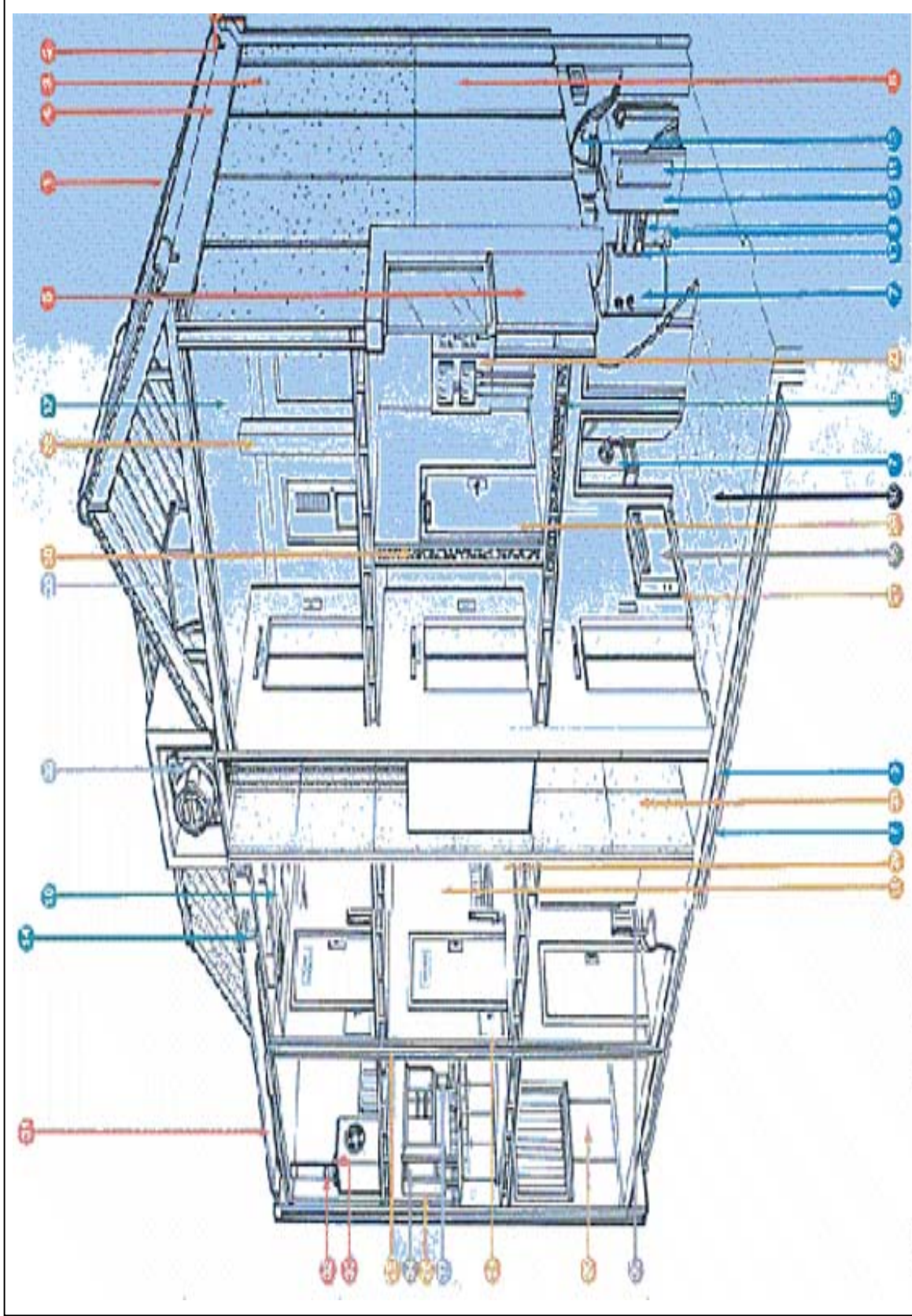
- Heating and ventilation engineers
- Roofing contractors
- Fire and burglar alarm installers
- Carpenters and joiners
- Plasterers
- Gas fitters

- General maintenance staff
- Electricians
- Plumbers
- Cable layers
- Demolition workers
- Painters and decorators

They may come into contact with this wide range of materials: -

- Sprayed coatings and laggings
- Insulating board
- Ceiling tiles
- Millboard, paper, paper products
- Asbestos cement
- Textured Coatings

And in many parts of a building, as shown in this diagram.



**Diagram 1: Asbestos building: typical locations for the most common asbestos-containing materials**

Recently, the new Regulations addressed some of these problems: -

- 1998 - Amendment of the Control of Asbestos at Work Regulations:
  - expanded their scope to cover incidental exposures to asbestos; and
  - made it clear that CAWR applied to all workers who might come into contact with asbestos
- 1998 - Amendment to the Asbestos (Licensing) Regulations
- 1999 - Asbestos (Prohibitions) Regulations

But a piece of the jigsaw was missing: -

- Contractors not aware that they were working on materials containing asbestos
- No one was managing the risk from asbestos in premises

So, was the solution to remove all asbestos? No – because: -

- Asbestos can serve a useful purpose e.g. fire protection. If in good condition, and in a position where it will not be disturbed, it poses no risk
- Removal would be prohibitively expensive
- Disposal of waste would generate immediate problems
- Removing asbestos creates an additional unnecessary risk for removers

Should there be a new duty to manage the risk? Yes, because: -

- It would be introduced as a new duty in the Control of Asbestos at Work Regulations
- To assess whether premises contains asbestos
- To assess risk from asbestos
- To take action to manage the risk
- Backed up by a new Approved Code of Practice to provide guidance to new duty holders

The duty holder would: -

- Take reasonable steps to identify asbestos containing materials in premises by:
  - looking at building plans etc.
  - consulting others e.g. architects, employees
  - carrying out a thorough search of the premises
  - assessing the condition of these materials

The process of identifying asbestos would be to: -

- Presume asbestos:
  - carry out own inspection
  - engage others to undertake survey; or
- Establish identity by sampling; or
- Conclude it's not asbestos (requires strong evidence); or
- A combination of all of the above

Martin added that the new regulations were all about **managing the risks** and carrying out detailed surveys only prior to work on the structure. There must be strong evidence to say that there is NOT any asbestos present. If a Competent Surveyor is to be engaged, then the duty holder will: -

- Need evidence of training and experience
  - employed by accredited organisation?
  - individual surveyor certified?
  - other possible alternative criteria
- To confirm work to be carried out in accordance with MDHS 100
- Need evidence of suitable liability insurance

The duty holder must then

- Prepare an asbestos record
- Assess the risk from the material
  - If asbestos in good condition:
    - leave it in place; and
    - introduce a management system
  - If asbestos in poor condition:
    - seal it or enclose it; or
    - remove it using licensed contractors
- Prepare a written action plan; and
- When materials are to remain in premises:
  - inform others of their location and condition;
  - carry out regular checks on the condition of the material; and
  - review and revise the plan and update the asbestos record as necessary

All of this begs the question, Martin added, of "who is the duty holder?"

- The employer in occupation
- The owner or managing agent
- Where?
  - the workplace; and
  - the common areas in rented housing
- But – should it extend to some domestic premises?

The timing of the new regulations will be as follows: -

- Regulations to be made –Aug/Sept2002
- Regulations to be complied with – Spring 2004
- Accreditation of bulk sampling – Summer 2004
- Accreditation/certification for surveying – Summer 2004
- Regulations extended to domestic rented sector – Summer 2004?

An Approved Code of Practice will give guidance on methods for:

- identifying asbestos
- maintaining a register of asbestos
- assessing the risk
- preparing an action plan
- setting up suitable admin. systems

Specific guidance is offered in MDHS 100 to those carrying out surveys and includes:

- how to recognise and sample asbestos containing materials;
- how to assess their condition
- three types of survey which need regular checks to maintain their validity (looking forward to the next 50 years).
  - Type 1 – Inspect premises, note materials possibly containing asbestos and record their condition
  - Type 2 – As Type 1, but also take a sample for analysis
  - Type 3 – “Pre-Demolition/Refurbishment” survey, requiring removal of structure to obtain access to concealed asbestos

Excellent practical additional guidance on the management of asbestos is given in two parts: -

- **‘Introduction to Asbestos Essentials’**
  - duty to manage asbestos
  - good work practices
  - appropriate equipment
- **‘Asbestos Essentials Task Manual’**
  - for building workers
  - practical guidance on how 25 tasks, which do not need a licence, can be performed safely
- Video "How are you Today?"
- Free leaflet for Small to Medium sized enterprises
- Guidance for larger employers

For those wondering just "where to start?" Martin gave some good advice: -

Prepare a Strategy to:

- Determine approach to the task
- Appoint project leader
- Identify scope of project
- Consider training needs
- Plan communication with employees
- Immediately introduce a precautionary approach to current maintenance etc.

Realising that this new approach was going to demand implementation over a wide range of duty holders, the HSE have already launched a massive campaign with a simple message: -

- Asbestos is a major killer.
- The risk has to be managed
- Prepare now for the introduction of the Regulation
- A bad survey is worse than no survey at all
- Don't panic - if asbestos is in good condition and is unlikely to be disturbed, leave it in place

**This is going to ask for the triumph of Paranoia over Apathy!**

The campaign strategy is: -

- **Stage One (Two Tier Approach)**
  - Awareness raising for all
  - Practical support to Small & Medium Sized Enterprises
- **Stage Two**
  - Consolidation
  - Support and Guidance
- **Stage Three**
  - Directed Enforcement

A Campaign slide presentation is now available of to anyone who wishes to enter a "**Partnership**" with the HSE to promote the awareness of the changes in asbestos management practices. The HSE are recruiting partners to join this campaign and anyone interested is urged to contact **Brian Trevette on 020 7717 6443 or the HSE Website on [asbestos.campaign@hse.gsi.gov.uk](mailto:asbestos.campaign@hse.gsi.gov.uk)**

The official launch of Regulations will be around August/Sept 2002

## *Members' Questions*

**Andrew Locker of Business Post** asked if the HSE could offer any specific guidance on the duties of the landlord in a multi-occupied premises. **Martin** replied that the ACOP guidance shared the responsibilities and he could not be any more detailed than that, before the final version of the Regulations were published later in the year. **Tony Hall of Serviceteam** said that Birmingham City Council undertook responsibility in public areas but there was no guidance in the Private areas of buildings. The **Secretary** stated that the main reason for the delay in the regulations had been the need for the HSE to firm up its guidance on the legal position regarding Multi-occupied premises. It was reasonable to assume that the present uncertainties would be clarified in the final document. **Martin** added that the ACOP would provide benchmark guidance for a range of industries.

**Brendan Cassidy of Dolland and Aitchison** asked if encapsulation of damaged surfaces could be done. **Martin** said yes, if it was a short job of less than 1 hour in one position and, say, less than 2 hours overall. He advised Brendan to follow the advice given on the task sheets.

**Mike Thornton of the Open University** asked about the enforcement of the regulations in poorly maintained buildings. **Martin** said that the HSE would define who the duty holder was and that it may be shared. The final decision might be defined by the contract terms in a lease agreement.

**Mike Wilkinson of Marsh UK** asked if there was a date where the Regulations would not apply and **Martin** replied that there was no certain cut-off date.

**Nick Higginson of Aquila Networks Services** enquired why White Asbestos was considered to be as dangerous as Blue or Brown? **Martin** replied that often mixtures of all three were found and in some cases Tremolite fibres (long and thin) was found to contaminate white asbestos. He added that there was a negligible management requirement for garage roofs.

Finally, Martin said that a bad survey was often more dangerous than no survey at all!

As there were no other questions, the Chairman closed the meeting and asked the members to thank Martin for an excellent presentation